

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES MCCORMACK, VIRGINIA MCKEON,  
and MARY HUGHES, as Co-Administrators d.b.n.  
of the Estate of KATHLEEN DURST; and  
JAMES MCCORMACK, VIRGINIA MCKEON, and  
MARY HUGHES, as Co-Administrators c.i.a. of the  
Estate of KATHLEEN DURST,

Plaintiffs,

*~ against ~*

DEBRAH LEE CHARATAN, as the Executor of the  
Estate of ROBERT DURST,

Defendant.

Civil Action No.: 7:22-cv-795

**REPLY DECLARATION OF  
WILLIAM H. MACK IN FURTHER  
SUPPORT OF DEFENDANT'S  
MOTIONS FOR SUMMARY  
JUDGMENT AND TO PRECLUDE  
EXPERT TESTIMONY**

WILLIAM MACK, declares under 28 U.S.C. §1746 that the foregoing is true and correct:

1. I am a partner with Davidoff Hutcher & Citron LLP, attorney for Defendant, Debrah Lee Charatan, as the Nominated Executor of the Estate of Robert Durst ("Ms. Charatan" or "Defendant"), and I respectfully submit this reply declaration in further support of her motions: (1) pursuant to Federal Rule of Civil Procedure 56, for summary judgment dismissing the Amended Complaint; and (2) pursuant to Federal Rule of Evidence 702: (a) to strike the expert report submitted on behalf of Plaintiffs, Carol Bamonte, as Administrator of the Estate of Kathleen Durst ("Kathleen's Estate") and James McCormack, Virginia McKeon and Mary Hughes, as Co-Administrators of the Estate of Anne C. McCormack, a Distributee of the Estate of Kathleen Durst (collectively, with Kathleen's Estate, "Plaintiffs"), by Heidi F. Muckler ("Muckler") entitled "Calculation of the Lost Wages of Kathleen McCormack Durst as of June 2024"; and (b) precluding Muckler from testifying at trial.

2. Also submitted with this declaration is Defendant's Reply Memorandum of Law

in further support of the motions, dated April 1, 2025.

3. Attached hereto as Exhibit A is a true and correct copy of an article from ABC News entitled “Prosecutors lay out ‘missed opportunities’ in Robert Durst murder investigation” dated January 19, 2022, which can also be found at <https://abcnews.go.com/US/prosecutors-lay-missed-opportunities-robert-durst-murder-investigation/story?id=82357901>.

4. Attached hereto as Exhibit B is a true and correct copy of an article from ABC7 New York entitled “Family of Kathleen Durst speaks out after Robert Durst charged with her murder” dated November 9, 2021, which can also be found at <https://abc7ny.com/kathleen-durst-robert-indictment-charged-in-ny/11215976>.

5. Attached hereto as Exhibit C is a true and correct copy of Plaintiffs’ Memorandum of Law In Support Of Motion To Compel Discovery, dated January 20, 2024 (ECF Dkt. No. 246).

6. Attached hereto as Exhibit D is a true and correct copy of the transcript of the Decision of The Honorable Judith C. McCarthy, Magistrate Judge, dated March 14, 2024, denying Plaintiffs’ motion to compel discovery.

15. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2025



---

William H. Mack